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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (LAS VEGAS)**

BEDROC LIMITED, LLC, Civil Docket: 2:21-cv-00936-RFB-BNW
individually,
Plaintiff,
v.
FIREWORKS BY GRUCCI, INC.
Defendant.

MOTION TO WITHDRAW CHERYL WILSON, ESQ.
AS COUNSEL FOR DEFENDANT

COMES NOW Robert E. Murdock, Esq. and Sydney E. Murdock, Esq. of Murdock & Associates, Chtd., counsel for attorney Cheryl Wilson, Esq., and respectfully request this Court to allow Ms. Wilson to withdraw as counsel in this matter per LR IA 11-6 (b).

This Motion is made and based on all the pleadings and papers on file herein,
the attached Memorandum of Points and Authorities and Declaration of Cheryl
Wilson, Esq.

DATED this 7th day of September 2022.

MURDOCK & ASSOCIATES, CHTD.

/s/ Robert E. Murdock
Robert E. Murdock Bar No. 4013
Sydney E. Murdock Bar No. 15291
521 South Third Street
Las Vegas, NV 89101

DECLARATION OF ROBERT E. MURDOCK, ESQ.

Robert E. Murdock, hereby declares under penalty of perjury and states as follows:

1. I am an attorney licensed to practice law in the State of Nevada and in the United States District Court for Nevada and have been since 1990.
2. That I was retained by Ms. Wilson after she found out that she had been sanctioned by the Nevada Supreme Court on a matter she was not even involved in when she was at Tyson & Mendes. A truthful and correct copy of the Nevada Supreme Court Order is attached as an Exhibit herein for background purposes.
3. That I filed a Petition for Rehearing of that matter and it is currently pending before the Nevada Supreme Court. I have attached a truthful and correct copy of same to the instant Motion to provide some background to this Court regarding the issues.
4. That after the Petition was filed, I became aware that yet another matter was proceeding where Ms. Wilson had not been removed as counsel—and that is the instant matter.
5. That on August 31, 2022, I drafted and sent an email to Jacob Felderman who is the Director of Operations at Tyson Mendes and copied same to Mr. McGrath and insurance personnel at Tyson Mendes.

1 6. That a true and correct copy of the email is attached to the Motion.
2
3 7. That in the email, I requested that Tyson Mendes takes immediate steps to
4 remove Ms. Wilson especially as there was a Motion for Summary
5 Judgment that had just been filed and I wanted to make sure that Tyson
6 Mendes and Mr. McGrath were aware that Ms. Wilson was not going to be
7 responding to same.
8
9 8. That despite the email, I have not heard from anyone at Tyson Mendes.
10
11 9. That on September 2, 2022, I filed a Notice of Appearance for Ms. Wilson.
12 However, the NEXTGEN system would not allow me to file the appearance
13 just for Ms. Wilson so I edited the computer generated title to "Limited
14 Notice of Appearance by Robert E. Murdock on behalf of Defendant
15 Fireworks by Grucci, Inc., *ONLY FOR CHERYL WILSON.*"
16
17 10. That in no way do I represent the Defendant Fireworks by Grucci. I only
18 represent Ms. Wilson.
19
20

21 FURTHER DECLARANT SAYETH NAUGHT.

22 DATED this 7th day of September, 2022.

23
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26 
27
28 Robert E. Murdock, Esq.

POINTS AND AUTHORITIES

This is a Motion that should not have been necessary. It is only necessary due to the failure of Mr. McGrath and Tyson & Mendes to simply substitute out or withdraw Ms. Wilson from this matter. The sad part is that this is not the first time.

Ms. Wilson is an attorney licensed in the State of Nevada. She was an attorney at Tyson & Mendes and was counsel for Defendant along with Mr. McGrath and others at the firm.

However, in late January of 2022, Ms. Wilson resigned from Tyson & Mendes. Immediately her email and case access were removed. She spoke with Human Resources at Tyson & Mendes and asked about withdrawing or substituting her out of her cases. **She was explicitly advised that they would do so for her.** Of course, Ms. Wilson had no reason to believe they would not do what they said. See Declaration of Ms. Wilson at Exhibit Three.

Recently, on August 11, 2022, Ms. Wilson became aware that Tyson & Mendes failed to do remove her from various matters. One matter was at the Nevada Supreme Court (unbeknownst to her) and due to Tyson & Mendes' failures within the appeal, the firm's lawyers were sanctioned and referred to the Bar. See Exhibit One. A Petition for Rehearing has been filed as Ms. Wilson did not even

1 know she was counsel on the matter, and Tyson & Mendes never removed her from
2 the matter. See Exhibit Two.¹
3

4 Just the other day, Ms. Wilson determined that the instant matter was *yet*
5 *another one* where Tyson & Mendes failed to withdraw her from the case. Ms.
6 Wilson's counsel sent a letter to the Head of Legal Operations at Tyson & Mendes
7 demanding that this be done. See Exhibit Four. However, no such substitution or
8 withdrawal has been filed.
9

10 Upon information and belief, Mr. McGrath is still counsel for Defendant as
11 well as Mr. Hayes.
12

13 As this Court well-knows, LR IA-11-6(b) governs withdrawals:
14

15 “If an attorney seeks to withdraw after appearing in a
16 case, the attorney must file a motion or stipulation and
17 serve it on the affected client and opposing counsel. The
18 affected client may, but is not required to, file a response
19 to the attorney’s motion within 14 days of the filing of
the motion, unless the court orders otherwise.”
20

21 As Mr. McGrath and Mr. Hayes are still counsel no delay would impact this
22 matter (as required by LR IA-11-6(e)).
23
24 ...
25 ...
26 ...
27

28 ¹ The Exhibits to the Petition have not been attached as they are not relevant to this matter.

1 Accordingly, Ms. Wilson respectfully requests that this Court withdraw her
2 from this matter forthwith.
3

4 DATED this 7th day of September 2022.

5 **MURDOCK & ASSOCIATES, CHTD.**
6

7 /s/ Robert E. Murdock
8 Robert E. Murdock Bar No. 4013
9 Sydney E. Murdock Bar No. 15291
10 521 South Third Street
Las Vegas, NV 89101

11
12 **ORDER**

13 **IT IS SO ORDERED**

14 **DATED:** 2:33 pm, September 08, 2022

15 
16

17 **BRENDA WEKSLER**
18 **UNITED STATES MAGISTRATE JUDGE**

CERTIFICATE OF SERVICE

I hereby certify service of the foregoing Motion to Withdrawal Cheryl H. Wilson as Counsel for Defendant was made this date by electronic filing and by mailing a true and correct copy, addressed as follows:

| | |
|--|---|
| TYSON MENDES LLP 170 S. Green Valley Pkwy., Ste. 300 Henderson, Nevada 89012 T: 702-724-2648 F: 702-410-7684 | FIREWORKS BY GRUCCI INC. 20 Pinehurst Drive Bellport NY 11713 |
|--|---|

Dated: September 7, 2022

By: /s/ Natalie Jones

An employee of Murdock & Associates, Chtd.